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Received: 11/13/2000				Received By: kahlepj Identical to LRB: By/Representing: his office					
Wanted: As time permits For: Marlin Schneider (608) 266-0215									
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Alt. Drafters:

Subject:

Dom. Rel. - paternity **Courts - miscellaneous** Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Name changes in paternity actions

Instructions:

See Attached

Drafting History:

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09/25/2000

1 .	ACT to create 76	7.51 (3d) of the statutes; relating to: changing a child's name in	n
			,
2	a paternity action.		

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 767.51 (3d) of the statutes is created to read:

767.51 (3d) Notwithstanding s. 786.36, a judgment or order determining paternity may include an order to change the name of the child upon the request of one or both of the parents. If both parents request the same name change, the court shall order the child's name be changed to the name agreed upon by both parents. If the one parent requests a name change or if each parent requests a different name change for the child, the court shall order that the child's surname be changed to a surname that is each of the parents' surnames separated by a hyphen or one of each of the parents' surnames separated by a hyphen if the court finds that such a name change is in the best interest of the child.

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State of Misconsin 2001 - 2002 LEGISLATURE

LRB-0981/7 P/

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT :; relating to: changing a child's name in a paternity action.

Analysis by the Legislative Reference Bureau

Under current law, the name of a nonmarital child who has not been adopted and whose parents have not intermarried may be changed by a court if certain requirements are fulfilled. The child's mother may petition the court for the name change, but the father must join in the petition if his parental rights have not been terminated. Notice of the proposed name change and where and when the court will hear the petition must be published in an area newspaper once per week for three consecutive weeks before the petition is heard, This bill provides that a nonmarital child's name may be changed in a judgment or order determining paternity. The requirements under current law regarding filing a separate petition and publishing notice do not apply. If both parents in the paternity action request the same name change, the court is required to include that name change in the paternity judgment or order. If only one parent requests that the child's name be changed, or if each parent requests a different name change, the court may include in the paternity judgment or order an order changing the child's surname to a surname that is both parents' surnames separated by a hyphen or, if a parent has more than one surname, that is one of each of the parents' surnames separated by a hyphen, if the court finds that such a name change is in the child's best interest.

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The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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SECTION 1. 767.51 (3m) of the statutes is created to read:

767.51 (3m) (a) Upon the request of both parents, the court shall include in the judgment or order determining paternity an order changing the name of the child to a name agreed upon by the parents.

- (b) Except as provided in par. (a), the court may include in the judgment or order determining paternity an order changing the surname of the child to a surname that consists of the surnames of both parents separated by a hyphen or, if one or both parents have more than one surname, of one of the surnames of each parent separated by a hyphen, if all of the following apply:
- 1. Only one parent requests that the child's name be changed, or both parents request that the child's name be changed but each parent requests a different name change.
 - 2. The court finds that such a name change is in the child's best interest.
 - (c) Section 786.36 does not apply to a name change under this subsection.

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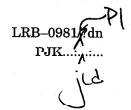
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DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU



The model draft sometimes referred to "name" and at other times referred to "surname" I kept the use of these terms consistent with the model draft. Notice, however, that this usage authorizes a court to change a child's surname to a hyphenated version of the two parents' surnames if only one parent has requested a name change, even if that request was to change the child's first name only. Is this your intention?

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us

DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-0981/P1dn PJK:jld:km

November 15, 2000

The model draft sometimes referred to "name" and at other times referred to "surname." I kept the use of these terms consistent with the model draft. Notice, however, that this usage authorizes a court to change a child's surname to a hyphenated version of the two parents' surnames if only one parent has requested a name change, even if that request was to change the child's first name only. Is this your intention?

Pamela J. Kahler Senior Legislative Attorney Phone: (608) 266–2682

E-mail: pam.kahler@legis.state.wi.us



State of Misconsin 2001 - 2002 LEGISLATURE

LRB-0981/PA PJK:jld:km v w is num

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

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AN ACT to create 767.51 (3m) of the statutes; relating to: changing a child's

name in a paternity action.

Analysis by the Legislative Reference Bureau

Under current law, the name of a nonmarital child who has not been adopted and whose parents have not intermarried may be changed by a court if certain requirements are fulfilled. The child's mother may petition the court for the name change, but the father must join in the petition if his parental rights have not been terminated. Notice of the proposed name change and where and when the court will hear the petition must be published in an area newspaper once per week for three consecutive weeks before the petition is heard. This bill provides that a nonmarital child's name may be changed in a judgment or order determining paternity. The requirements under current law regarding filing a separate petition and publishing notice of the name change do not apply. If both parents in the paternity action request the same name change, the court is required to include that name change in the paternity judgment or order. If only one parent requests that the child's name be changed, or if each parent requests a different name change, the court may include in the paternity judgment or order an order changing the child's surname to a surname that is both parents' surnames separated by a hyphen or, if a parent has more than one surname, that is one of each of the parents' surnames separated by a hyphen, if the court finds that such a name change is in the child's best interest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

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1	SECTION 1. 767.51 (3m) of the statutes is created to read:
2	767.51 (3m) (a) Upon the request of both parents, the court shall include in the
3	judgment or order determining paternity an order changing the name of the child to
4	a name agreed upon by the parents.
5	(b) Except as provided in par. (a), the court may include in the judgment or order
6	determining paternity an order changing the surname of the child to a surname that
7	consists of the surnames of both parents separated by a hyphen or, if one or both
8	parents have more than one surname, of one of the surnames of each parent
9	separated by a hyphen, if all of the following apply:
10	1. Only one parent requests that the child's name be changed, or both parents
11	request that the child's name be changed but each parent requests a different name
12	change.

2. The court finds that such a name change is in the child's best interest.

(c) Section 786.36 does not apply to a name change under this subsection.

(END)



STEPHEN R. MILLER CHIEF ·

State of Misconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET 5TH FLOOR MADISON, WI 53701-2037

LEGAL SECTION:

(608) 266-3561 (608) 264-6948

January 19, 2001

MEMORANDUM

To:

Representative Schneider

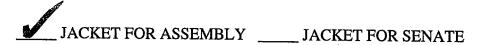
From.

Pamela J. Kahler, Senior Legislative Attorney

Re:

LRB-0981 Name changes in paternity actions

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.



If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.